

A
REVIEW
 OF THE
STATE
 OF THE
BRITISH NATION.

Thursday, January 20. 1709.

THE *Rehearsal* has at last left off worrying the Church of Scotland; and I have therefore, to shew him how willing I am to forbear exposing any Peoples Infirmities, laid aside the Publication of the Crimes of former Days, which I promis'd in a late *Review*.

Having therefore for the present laid aside the contentious Part of this Paper, I shall perhaps entertain you with something as useful, as publick Affairs require it; and it shall not be my Fault, if I am forc'd to turn back to defend the Cause of Truth against Slander and Reproach.

A new but most material Affair seems a little to embarrass the Publick at this Time, and which some People would raise Complaints upon; and this calls for a Word or two; I mean the Recruiting our Army.

The Necessity of Recruits does not at all want my Defence; every Body allows the Army must be recruited, it is as necessary to recruit the Forces, as to have Forces, and they that will dispute that, will dispute the Necessity of the War, and to such I am not talking at all; but the METHOD, not the Necessity, is the Matter in Debate.

The Act depending seems to carry in it, say some, a forcing Men to lift, and this, say they, is a Breach into, or an Encroachment upon *English*, now *British LIBERTY*. The State of the Case, if I judge right, seems to lie thus; We have had several former Acts for raising Men, some by offering Encouragement to Men to lift; others, to empower the Justices to take up such as were under such and such Qualifications.

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And all these have been found both inconvenient in their Execution, and deficient in their Success.

I shall briefly enquire, how they did so, and why?

First, The pressing or forcing Men to go by Parish-Officers and Justices, has been found subject to great Partialities, Personal Injuries, gratifying private Piques, and in general, oppressive; particularly I cannot but note one Thing, which has been some very great Obstruction to the raising Men by Parish-Officers, *viz.* That where in a Town perhaps there is a Man, two or three, more or less, the Man is fit for the Service, the Town not only can spare him, but wish to be rid of him; perhaps the Neighbours are none of the safest in his staying at home. But this Fellow, a loitering, a pilfering, and a vicious Fellow, yet has a Wife and a Child, or a Wife and Children, who, if he is press'd, are likely to lie upon the Parish, and tho' they live but poorly, yet they make the idle Rogue just keep them—If ye expect, Gentlemen, the Church-Wardens will take this Man away, you are mistaken, but he shall be protected by the Parish purely to keep off the Charge; when an honest, industrious Fellow shall be snatch'd out of the Arms of his Wife and Children; whom he labours hard to maintain, only because they have some Friends, or some Way of getting Bread, so as just to keep them from the Parish.

In this Case I presume, had any Consideration to the Parishes, in order to defray such a Charge, or to help defray it, been order'd in the Room of 20 s. Gratuity to a Constable, and 4 l. to a Soldier—The Officers could, whenever they had pleas'd, produc'd the Men, which otherwise will never be done *that way*.

Secondly, It might be suggested also, that a Clause in the late Acts, exempting such as had Votes in Electing a Member of Parliament, and that none of these shall be oblig'd to serve, has been a great Ground of Deficiency as well as Partiality; whereas in many Corporations where they choose by the Commonalty, some by *Por-Walleners*, as they call 'em; and others the whole Freemen; others again all the Inhabitants, Alms-Men excepted;

Thousands claim Liberty from the Service, that are otherwise not only as well qualify'd to go abroad as others, but indeed are hardly qualify'd to stay at home among others: **FREEHOLDERS** of Land indeed claim an Authoritative Exemption, but if all Freemen of Corporations, and Inhabitants of Burroughs, because they have a Vote in Elections, must be exempted, you may keep at home worse than you send abroad, and tie up your own Hands from the necessary Supply of Men, you so much want.

Thirdly, The Offering a Reward of 4 l. a Man, and a Limitation to serve but three Years, &c. has been found deficient, and perhaps this may have been from the Greatness of the Reward itself, which either has not been duly paid the Men, or which, if Complaint be made, no doubt some Punishments may be found due; or has been the Occasion of a greater Desertion of Men than ever; the Covetousness of the Age prompting Men to risque their Lives by running from Place to Place, lifting and deserting, and lifting and deserting weekly for the Sake of the Money; an Example of which was notorious in a Soldier shot to Death a few Weeks ago in *Hide-Park*.

Since then all these Methods have prov'd ineffectual, and Men must be rais'd, the new Project is to raise them by the Parishes of *Britain*; the Bill depending says, by giving Encouragement to the Parishes to raise them, but the Objectors call it laying a Tax of Men upon the Parishes obliging them to produce the Men—This, say they, is an Infringement of the Liberty of the Subject, which we ought to be very chary in preserving, and leaving the Subjects Liberty at the Mercy, or at the Discretion of the Parish-Officers, &c.

I cannot think, but those Gentlemen, that talk so much of the Difficulty of raising these Recruits, do it more to weaken a Cause, than from any Belief that we are under a real Want of Men in this Nation, for recruiting the small Number of *British* Forces we have in the Field.

No doubt but it would be a very great Encouragement to our Enemies, if they could hear, that there was no new Way found out in *England* to raise Men, and that there—

therefore the British Forces in Flanders could not be recruited; for the Goodness of the British Troops is too well known to the Enemy, not to make such a Thing very valuable to them.

To examine therefore this Case; First, it seems a very unhappy Objection, that the Liberty of the Subject should be oppos'd against the Subject fighting to preserve that Liberty. — It is for the Liberty of Europe, and under that General, for the Liberty of Britain in particular, that this War is carry'd on. — If none must be oblig'd to defend this Liberty, but such as please voluntarily to serve for Pay, it may come to such a Pass, that no Body will go, and so our Liberty shall be lost.

In all Cases of Necessity, some Things are to be dispens'd with, which at other times would not be lawful; such is blowing up Houses in Cases of Fire, raising the *posse Comitatus* in Case of an Invasion, in which all People from 16 to 60 are oblig'd to take Arms to defend, &c. Now the Question is, how far this Case is proportion'd to such a Necessity? — And so far Intrenchments upon the Inhabitants are not Invasions of Liberty at all, provided they are not extended to practise, when there may not be the same Necessity.

Again, Invasion of Liberty seems to be here prescrib'd, not to the Degree of Necessity, but to the Right judging. — If the Prince, or the General, or even the Magistrates make themselves Judges of this Necessity, it is illegal and Oppressive. This was the Case of the *SHIP-MONEY*, condemn'd by Parliament, and by all the great Lawyers of the Nation; the Pretence was, in Case of necessary Defence. Now the Objection was not, whether there was a Necessity or no, but whether the King was Judge of that Necessity, and had Authority to determine it, and to levy the Money without the Consent of the People.

Here all these Disputes are vainly. The People are the Judges of their own Necessity, and determine in Parliament, that such or such of their own Body shall upon such and such Encouragements be oblig'd to take Arms to defend the rest; and as nothing can be more equal than the

Appointment; so in our Constitution there can be nothing plainer, than that this is perfectly clear of any Invasion of Liberty. The original Right of Government is vested by the Nature of the Thing in the Owners of the Land, whom we call Freeholders; all other Rights, all Tenures of Land, all Grants, Charters and Privileges, whether Supream or Subordinate, are substituted by, and consequently subje'd to this Right; all Corporation-Right is the Grant of the Freeholders, and consequently all others. — The absolute Dominion then over all the other Inhabitants, rests in the Freeholders, and what they ordain as a Law, the other like Tenants at Will, ought to submit to, or remove from the Place; for the other have the whole Right to the Nation, and these cannot set their Foot but on the Property of the former; he that will claim to live in my House shall live there on my Terms, or not live there at all, and 'tis no Oppression for me to turn him out, if he either will not agree to my Conditions, or perform them when agreed to.

Mutual Defence is one of the least Conditions the Inhabitants can be requir'd to contribute, to the Assistance of their Lords the Freeholders, in Cases of need; and on this Foot it can be no Oppression, if the Freeholders were driven to such an Exigence, that they commanded all the Men in the Nation to Arms for the Defence of the whole, except themselves, and did not suffer one of their own Body to stir a Foot. — He that had but 40 s. a Year, *Terra firma*, has a Right to stay at home, and representatively consider, as to command him that has 1000 l. a Year in Tenements, Leases, Copyholds, Ben-Rents, Interest on Bonds, &c. to raise a Mustee and fight for him, or to remove one of the Kingdom.

While this Fundamental is maintain'd, as I am sure it must be, while Parliamentary Authority is maintain'd by the same Men by Appointment of the People, authorized by Parliament can be no Invasion upon the Subjects Liberty, any more than the raising Money in the same Manner is an Invasion of Property; for Liberty on one hand, and Property on the other, are the two Sacred Things in England, which cannot be touch'd but